

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 1:07cr183-WKW
)
RICKEY RANDALL WREX SMITH)

GOVERNMENT’S MOTION TO SUBSTITUTE LIMITS OF PUNISHMENT

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the attached limits of punishment be substituted for the ones that were filed on August 15, 2007.

The original limits of punishment did not reflect that the defendant faces the possibility of mandatory life imprisonment under 18 U.S.C. §3559(e) for Count 1. The limits of punishment memo, attached hereto as Exhibit 1, corrects that omission and further clarifies the statutory limits for Counts 2 and 3.

Respectfully submitted this the 21st day of May, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Nathan D. Stump
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FOR THE MIDDLE DISTRICT OF ALABAMA
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v.)	CR. NO. <u>1:07cr183-WKW</u>
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RICKEY RANDALL WREX SMITH)	

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Alex R. Tandy, Esq., counsel for Defendant.

Respectfully submitted,

/s/Nathan D. Stump
NATHAN D. STUMP
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Memorandum

Subject	Date
Limits of Punishment-RICKEY RANDALL WREX SMITH Sentencing Guidelines Case	May 21, 2008
To	From
Debra P. Hackett, Clerk U.S. District Court	Nathan D. Stump Assistant U.S. Attorney

LIMITS OF PUNISHMENT

COUNT 1

NLT 15 YRS, NMT LIFE [18 USC 2251(e)], but if the defendant has a prior sex conviction in which a minor was the victim,
NLT LIFE [18 USC 3559(e)];
NMT \$250,000 FINE, or B;
NLT 5 Y, NMT LIFE SUP REL;
\$100 Assessment;
VWPA

COUNT 2

NLT 5 Y, NMT 20 Y, but if the defendant has a prior conviction under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward,
NLT 15 YRS, NMT 40 YRS [18 USC 2252A(b)(1)];
NMT \$250,000 FINE, or B;
NLT 5Y, NMT LIFE SUP REL;
\$100 Assessment;
VWPA

COUNT 3

NMT 10 Y, but if the defendant has a prior conviction under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward,
NLT 10 YRS, NMT 20 YRS [18 USC 2252A(b)(2)];
NMT \$250,000 FINE, or B;
NLT 5 Y, NMT LIFE SUP REL;
\$100 Assessment;
VWPA